HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.205 OF 2004

DATE: 09-11-2006

Between:

Ms. R. Kusuma Kumari,
D/o. Shri R. John, aged about 25 years,
Occ: Member of Mahila Mandal,
R/o. Vastavaae Village and Mandal,
Krishna District.

.. Petitioner

AND

The Sub-Collector, Krishna District,
Vijayawada (Rural), Vijayawada & another

.. Respondents

ORDER:

The only grievance of the petitioner is hitherto the fair price shop of Vastavaae village and Mandal was held by the scheduled castes woman, but when the same fell vacant, a notification was issued by the respondents on 22-12-2003 reserving the said vacancy for backward classes category and calling applications from the individuals belonging to that category. According to the petitioner, there was no necessity for the authorities to reserve the fair price shop of Vastavaae village in favour of backward classes category. It could have been reserved for schedule castes category as was done earlier.

A detailed counter affidavit has been filed by the

respondents showing the following particulars:

Sl. No.	Category	Reservation Percentage	Shops to be filled up as per reservation	No. of shops existing	Balance to be filled up
1	SC	15	75	180	+ 105 excess
2	ST	6	30	22	8
3	PHC	3	15	11	4
4	BC	25	125	108	17
5	OC	51	255	160	95
	TOTAL:	100	500	481	19

It is further stated that in fact for scheduled castes category though 75 shops were earmarked, 180 shops were allotted to the persons belonging to the said category, thus an excess of 105 shops were allotted to that category against their quota of 75. Insofar as backward classes are concerned, there are 17 shops to be filled up, therefore the fair price shop of Vastavaae village was reserved for backward classes category.

In view of the above statistical position furnished by the respondents, I am of the opinion that the decision taken by the respondents in earmarking the vacant fair price shop of Vastaavaae village to the backward classes category cannot be said to be either illegal or arbitrary.

The writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to

costs.

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C.V. RAMULU, J

Date:09-11-2006.

PV